

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 85-10

Passed October 11, 20 10

10/6/10-gmk
(Ordinance, Rules & Claims)

Ordinance No. 85-10

An ordinance amending PART THIRTEEN – BUILDING CODE of the Codified Ordinances of the City of North Canton, by the addition of Chapter 1311, Fire Loss Prevention/Recovery and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1: That PART THIRTEEN – BUILDING CODE of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended, to read as follows:

"CHAPTER 1311 – FIRE LOSS PREVENTION/RECOVERY

- a. No insurance company doing business in the state shall pay a claim of a named insured for fire damage to a structure located within the City where the amount recoverable for the fire loss to the structure under all insurance policies exceeds Five Thousand (\$5,000) Dollars and is greater than or equal to sixty (60%) percent of all fire insurance policy monetary limitations unless there is compliance with the following procedures:
 1. When the loss agreed to between the named insured(s) and the insurance company(ies) equals or exceeds sixty (60%) percent of the aggregate limits of the liability on all fire policies covering the building or structure, the insurance company(ies) in accordance with R.C. §715.26(F) shall transfer from the insurance proceeds to the Director of Finance of the City of North Canton in the aggregate amount of \$2,000 for each \$15,000, and each fraction of that amount, of a claim, or if at the time of a proof of loss agreed to between the named insured(s) and the insurance company(ies) the named insured(s) have submitted a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.
 - A. Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or structure. Policy proceeds remaining after the transfer to the City may be disbursed in accord with the policy terms.
 - B. The named insured(s) may submit a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure after the transfer, and the Director of Finance, after notifying the Superintendent of Permits & Inspection, shall return the amount of the fund in excess of the estimate to the named insured(s), provided that the City has not commenced to remove, repair, or secure the building or other structure.

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2. Upon receipt of proceeds by the City as authorized by this section, the Director of Finance shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing, or securing incurred by the City pursuant to R.C. §715.261.

A. When transferring the fund as required in Section 1(a)(1) of this section, an insurance company shall provide the City with the name and address of the named insured(s), certify that the proceeds have been received by the City and notify them that the following procedures will be followed:

1. The fund shall be returned by the Director of Finance to the named insured(s) when repairs or removal, or securing the building or other structure have been completed and the required proof is received by the Superintendent of Permits & Inspection, provided that, the city has not incurred any costs for such repairs, removal, or securing of the building or other structure, such costs shall be paid from the fund and if excess funds remain, the City shall transfer the remaining funds to the named insured(s) after repair, rebuilding, or removal has been completed. Nothing in this Section shall be construed to limit the ability of the City to recover any deficiency under R.C. §715.261.

B. Nothing in this Section or R.C. §3929.86(C) and (D), as adopted herein, shall be construed to prohibit the City and the named insured(s)."

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely compliance with current state law on fire damage escrow amounts; wherefore, this ordinance shall take effect and be in full force immediately upon its adoption by council and approval by the Mayor.

North Canton, OH
Passed:


MAYOR

SIGNED: 10/11, 2010

ATTEST:


CLERK OF COUNCIL